

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BYRON H. MCGINNIS,  
Plaintiff,  
v.  
BASS, et al.,  
Defendants

Case No. 23-cv-05384-JD

## **ORDER RE DISMISSAL**

Re: Dkt. No. 8

After plaintiff sent by USPS mail a complaint under 42 U.S.C. § 1983 and an application to proceed in forma pauperis (“IFP”) from San Quentin State prison, a facility which participates in prison email filing with this Court, the Clerk sent him a Notice to file his complaint and IFP application by prison email as required by General Order No. 76. Dkt. No. 1. Plaintiff did not comply with these instructions or show good cause for not doing so. The Court provided plaintiff another opportunity to comply with the filing instructions or file a declaration stating why he could not comply. He was informed that if he did not comply, the case would be dismissed without prejudice under Federal Rule of Civil Procedure 41(b). Plaintiff has not submitted these filings electronically or responded to the Court’s order. Pursuant to Federal Rule of Civil Procedure 41(b) this case is dismissed without prejudice and the Clerk is requested to close the case. All pending motions are vacated.

## **IT IS SO ORDERED.**

Dated: February 5, 2024

~~JAMES DONATO  
United States District Judge~~